
By: **Delegate Conway (Department of Natural Resources Special Funds Workgroup)**

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2004

CHAPTER _____

1 AN ACT concerning

2 **Department of Natural Resources - Administration of Special Funds and**
3 **Accounts**

4 FOR the purpose of establishing certain administrative provisions for certain special
5 funds and accounts that are under the authority of the Department of Natural
6 Resources; specifying the disposition of any unspent balances and investment
7 earnings of certain special funds and accounts administered by the Department;
8 specifying and clarifying the purposes of, accounting procedures for, financing
9 for, authorized uses of, and investment and disbursement standards for certain
10 special funds and accounts administered by the Department; establishing the
11 State Boat Act Fund; establishing certain administrative provisions for the
12 State Boat Act Fund; correcting a certain cross-reference; making certain
13 stylistic changes and technical corrections; defining certain terms; and generally
14 relating to administrative provisions for special funds and accounts that are
15 under the authority of the Department of Natural Resources.

16 BY repealing and reenacting, with amendments,
17 Article - Natural Resources
18 Section 1-702, 3-302, 4-208, 4-209, 5-103(d) and (e), 5-209(b), 5-212, 5-212.1,
19 5-215, 5-307, 5-908, 5-908.1, 5-909, 5-1610, 8-723, 8-1005, 10-209, and
20 10-301(n)
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2003 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Natural Resources**

2 1-702.

3 (a) IN THIS SECTION, "FUND" MEANS THE STATE CHESAPEAKE BAY AND
4 ENDANGERED SPECIES FUND.

5 (B) There is a State Chesapeake Bay and Endangered Species Fund.

6 [(b)] (C) (1) The net proceeds from contributions under the income tax
7 checkoff system ~~and~~; any other donations to the Fund, ~~AND INVESTMENT~~
8 ~~EARNINGS OF THE FUND~~ shall be credited to the Fund.

9 (2) The Secretary shall administer the Fund.

10 (3) The Fund shall be used only as provided in §§ 1-703 through 1-705 of
11 this subtitle.12 (4) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
13 COMPTROLLER SHALL ACCOUNT FOR THE FUND.14 (5) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
15 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.16 (6) ANY INVESTMENT EARNINGS OF THE FUND ~~MAY NOT BE~~
17 ~~TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL~~
18 ~~REMAIN IN THE FUND~~ SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.19 (7) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
20 ACCORDANCE WITH THE STATE BUDGET.21 [(c)] (D) The Fund shall be maintained for the purposes stated in this subtitle
22 and unspent portions of the Fund shall remain in the Fund and may not revert to the
23 General Fund of the State.24 [(d)] (E) Moneys expended from the Fund for the Chesapeake Bay Trust and
25 Endangered Species Conservation Programs are supplemental and are not intended
26 to take the place of funding that would otherwise be appropriated to the Department
27 of Natural Resources for the Trust or for those Programs.

28 3-302.

29 (a) There is an Environmental Trust Fund. For the purpose of this subtitle,
30 there is established as an added cost of electricity distributed to retail electric
31 customers within the State, an environmental surcharge per kilowatt hour of electric
32 energy distributed in the State to be paid by any electric company as defined in §
33 1-101 of the Public Utility Companies Article. The Public Service Commission shall
34 impose the surcharge per kilowatt hour of electric energy distributed to retail electric
35 customers within the State and shall authorize the electric companies to add the full
36 amount of the surcharge to retail electric customers' bills. To the extent that the

1 surcharge is not collected from retail electric customers, the surcharge shall be
2 deemed a cost of distribution and shall be allowed and computed as such, together
3 with other allowable expenses, for rate-making purposes. Revenues from the
4 surcharge shall be collected by the Comptroller and placed in the Fund.

5 (b) (1) The Secretary, in consultation with the Director of the Maryland
6 Energy Administration, annually shall coordinate the preparation of a budget
7 required to carry out the provisions of this subtitle. Upon approval of the budget by
8 the General Assembly, the Public Service Commission shall establish the amount of
9 the surcharge per kilowatt hour for the fiscal year beginning July 1, 1972, and for
10 each subsequent fiscal year.

11 (2) Notwithstanding any other provisions of this subtitle, the amount of
12 the surcharge for each account for each retail electric customer may not exceed the
13 lesser of 0.15 mill per kilowatt hour or \$1,000 per month and the surcharge may not
14 continue beyond fiscal year 2005.

15 (3) The Comptroller shall maintain the method of collection of the
16 surcharge from the companies and the collections shall accrue to the Fund. The
17 Department shall credit against the amount required to be paid into the
18 Environmental Trust Fund by each electric company an amount equal to 0.75% of the
19 total surcharge attributed to each company on the basis of the electricity distributed
20 within Maryland.

21 (c) The Secretary shall administer the Fund. The Fund is subject to the
22 provisions for financial management and budgeting established by the Department of
23 Budget and Management. ~~THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT~~
24 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE. ANY~~
25 ~~INVESTMENT EARNINGS OF THE FUND MAY NOT BE TRANSFERRED OR REVERT TO~~
26 ~~THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND ANY~~
27 INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND
28 OF THE STATE. ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL
29 YEAR SHALL REVERT TO THE GENERAL FUND OF THE STATE. The moneys in the
30 Fund shall be used to carry out the provisions of this subtitle as provided for in the
31 budget, except that 10% of all moneys accruing to the Fund from July 1, 1978 through
32 June 30, 1983 shall be used to supplement funds necessary to carry out the duties of
33 the People's Counsel of the Public Service Commission. The People's Counsel shall
34 submit an annual budget of necessary supplemental funds to the Department to be
35 incorporated in the Department's budget. For the purposes of this subtitle, the
36 Secretary, in consultation with the Director of the Maryland Energy Administration,
37 may execute appropriate contracts with any State or federal agency, research
38 organization, industry, or academic institution to conduct the necessary research,
39 construct or acquire, or both, real property including physical predictive models,
40 laboratories, buildings, land, and appurtenances, or support the technological
41 development of extraordinary systems related to power plants designed to minimize
42 environmental impact. The Secretary may utilize available expertise in any other
43 State unit in the development, execution, and management of contracts and
44 agreements on projects relating to their areas of prime responsibility.

1 (d) (1) The Maryland Energy Administration shall receive administrative
2 and fiscal support from the Fund for studies relating to the conservation or
3 production of electric energy.

4 (2) Fiscal support to the Maryland Energy Administration from the
5 Fund may not exceed \$250,000 in any fiscal year.

6 (e) The Legislative Auditor shall conduct post audits of a fiscal and
7 compliance nature of the Fund and of the appropriations and expenditures made for
8 the purposes of this subtitle. The cost of the fiscal portion of the post audit
9 examinations shall be an operating cost of the Fund.

10 4-208.

11 [There is a State Fisheries Management and Protection Fund in the
12 Department. Any money received from any fish and fisheries license, stamp, permit,
13 or application fee as provided in this title, unless otherwise provided shall be credited
14 to the Fund and used only for the scientific investigation, protection, propagation, and
15 management of nontidal finfish.]

16 (A) IN THIS SECTION, "FUND" MEANS THE STATE FISHERIES MANAGEMENT
17 AND PROTECTION FUND.

18 (B) THERE IS A STATE FISHERIES MANAGEMENT AND PROTECTION FUND IN
19 THE DEPARTMENT.

20 (C) THE PURPOSE OF THE FUND IS TO FINANCE THE SCIENTIFIC
21 INVESTIGATION, PROTECTION, PROPAGATION, AND MANAGEMENT OF NONTIDAL
22 FINFISH.

23 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

24 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
25 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

26 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
27 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

28 (F) THE FUND CONSISTS OF:

29 (1) ANY MONEY RECEIVED FOR A FISH AND FISHERIES LICENSE, STAMP,
30 PERMIT, OR APPLICATION FEE UNDER THIS TITLE, UNLESS OTHERWISE PROVIDED;
31 AND

32 (2) ANY INVESTMENT EARNINGS OF THE FUND.

33 (G) THE FUND MAY BE USED ONLY FOR THE SCIENTIFIC INVESTIGATION,
34 PROTECTION, PROPAGATION, AND MANAGEMENT OF NONTIDAL FINFISH.

35 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
36 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

1 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
2 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
3 REMAIN IN THE FUND.

4 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
5 WITH THE STATE BUDGET.

6 4-209.

7 (a) IN THIS SECTION, "FUND" MEANS THE FISHERIES RESEARCH AND
8 DEVELOPMENT FUND.

9 (B) There is a Fisheries Research and Development Fund in the Department.

10 [(b) Any money the State Comptroller receives under the provisions of this title
11 from commercial licenses, permits, and service fees, taxes, and royalties paid to the
12 State for oyster shells and clam shells removed from the bottom beneath the tidal
13 waters of the State, from the sale of seed oysters under § 4-1103 of this title, or any
14 source, together with any fine or forfeiture collected under § 4-1202 of this title, shall
15 be credited to the Fisheries Research and Development Fund.

16 (c) Subject to the limitations described in §§ 4-701(i), 4-1020, 4-1028 and
17 4-1035, the Fund shall be used for replenishing fisheries resources, related research,
18 and to match federal funds available for research and development of fisheries
19 resources.]

20 (C) THE PURPOSE OF THE FUND IS TO:

21 (1) FINANCE THE REPLENISHMENT OF FISHERIES RESOURCES AND
22 RELATED RESEARCH; AND

23 (2) MATCH FEDERAL FUNDS AVAILABLE FOR RESEARCH AND
24 DEVELOPMENT OF FISHERIES RESOURCES.

25 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

26 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
27 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

28 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
29 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

30 (F) THE FUND CONSISTS OF:

31 (1) ANY MONEY RECEIVED UNDER THIS TITLE FOR:

32 (I) COMMERCIAL LICENSES AND PERMITS;

33 (II) SERVICE FEES, TAXES, AND ROYALTIES PAID TO THE STATE
34 FOR OYSTER SHELLS AND CLAM SHELLS REMOVED FROM THE BOTTOM BENEATH
35 THE TIDAL WATERS OF THE STATE;

1 (III) THE SALE OF SEED OYSTERS UNDER § 4-1103 OF THIS TITLE;
2 AND

3 (IV) ANY FINE OR FORFEITURE COLLECTED UNDER § 4-1202 OF THIS
4 TITLE;

5 (2) ANY INVESTMENT EARNINGS OF THE FUND; AND

6 (3) MONEY RECEIVED FROM ANY OTHER SOURCE.

7 (G) SUBJECT TO §§ 4-701(N), 4-1020, 4-1028, AND 4-1035 OF THIS TITLE, THE
8 FUND MAY BE USED FOR:

9 (1) REPLENISHING FISHERIES RESOURCES AND RELATED RESEARCH;
10 AND

11 (2) MATCHING FEDERAL FUNDS AVAILABLE FOR RESEARCH AND
12 DEVELOPMENT OF FISHERIES RESOURCES.

13 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
14 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

15 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
16 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
17 REMAIN IN THE FUND.

18 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
19 WITH THE STATE BUDGET.

20 5-103.

21 (d) [(1)] If the constructing agency is unable to locate a sufficient amount of
22 State or other publicly owned land or available forest mitigation bank credits to
23 comply with the requirements of subsection (c) of this section, the constructing agency
24 shall contribute money, at the rate of 10 cents per square foot of the area of required
25 planting, to [a special fund to be maintained in the Department and to be known as]
26 the Reforestation Fund ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION.

27 [(2) There is a Reforestation Fund in the Department.]

28 (e) [(1) Money deposited in the Reforestation Fund:

29 (i) Shall remain in the Fund until appropriated and spent; and

30 (ii) May not revert to the General Fund.

31 (2) (i) 1. Except as provided in item 2 of this subparagraph, the
32 Department shall use the Reforestation Fund solely to plant trees on State or other
33 publicly owned lands located in the county and watershed in which construction
34 projects giving rise to Fund contributions are located.

1 Resources lands shall be registered and provided suitable identification by the
 2 Department of Natural Resources, which shall charge an annual uniform fee for all
 3 registrants, revenues derived from which shall be used to acquire and maintain areas
 4 for off-road vehicle use by the general public. ~~REVENUES FROM THE FEE ARE NOT~~
 5 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND ANY~~
 6 ~~INVESTMENT EARNINGS FROM THE REVENUES MAY NOT BE TRANSFERRED OR~~
 7 ~~REVERT ANY INVESTMENT EARNINGS DERIVED FROM THE REVENUES SHALL BE~~
 8 CREDITED TO THE GENERAL FUND OF THE STATE. ANY UNSPENT PORTIONS OF THE
 9 FUND AT THE END OF A FISCAL YEAR SHALL REVERT TO THE GENERAL FUND OF THE
 10 STATE. Any property to be acquired or designated for off-road vehicle use shall be
 11 subject to a public hearing held in the county or counties wherein the property is
 12 situated. However, no off-road vehicle may be permitted where its operation will
 13 damage the wildland character of the property or where the noise from its operation
 14 will be audible at or interfere with the use of a picnic or camping area open to public
 15 use.

16 5-212.

17 (A) IN THIS SECTION, "FUND" MEANS THE FOREST OR PARK RESERVE FUND.

18 (B) There is a Forest or Park Reserve Fund in the Department.

19 (C) THE PURPOSE OF THE FUND IS TO ENABLE THE DEPARTMENT TO
 20 PURCHASE AND MANAGE IN THE NAME OF THE STATE LANDS SUITABLE FOR FOREST
 21 CULTURE, RESERVES, WATERSHED PROTECTION, STATE PARKS, SCENIC PRESERVES,
 22 HISTORIC MONUMENTS, PARKWAYS, AND STATE RECREATIONAL RESERVES.

23 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

24 (E) ~~(1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT~~
 25 ~~TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

26 ~~(2)~~ THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
 27 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

28 (F) THE FUND CONSISTS OF:

29 (1) Any money obtained from the State forest reserves, State parks,
 30 scenic reserves, parkways, historic monuments, and recreation areas[, together with
 31 any fine];

32 (2) REVENUE DISTRIBUTED TO THE FUND FROM FINES collected under §
 33 5-1302 of this title[, shall be paid into the Fund]; AND

34 (3) REVENUE RECEIVED BY THE FUND UNDER § 5-207(B) OF THIS
 35 SUBTITLE; ~~AND~~

36 ~~(4) ANY INVESTMENT EARNINGS OF THE FUND.~~

1 (G) [Each county in which any State forest or park reserve is located shall be
2 paid annually out of the Fund 15 percent of the revenue derived from the State forest
3 or park reserve located in that county. Each county in which the forest or park reserve
4 comprises 10 percent or more of the total land area of that county shall be paid
5 annually out of the Fund a sum equal to 25 percent of the revenues derived from the
6 State forest or park reserve located in that county.] THE FUND MAY BE USED ONLY
7 FOR:

8 (1) PURCHASING AND MANAGING IN THE NAME OF THE STATE LANDS
9 SUITABLE FOR FOREST CULTURE, RESERVES, WATERSHED PROTECTION, STATE
10 PARKS, SCENIC PRESERVES, HISTORIC MONUMENTS, PARKWAYS, AND STATE
11 RECREATIONAL RESERVES;

12 (2) ANNUAL PAYMENTS TO COUNTIES IN THE AMOUNT OF:

13 (I) IF THE STATE FOREST OR PARK RESERVE COMPRISES LESS
14 THAN 10% OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 15% OF THE
15 NET REVENUE DERIVED FROM THE STATE FOREST OR PARK RESERVE LOCATED IN
16 THAT COUNTY; AND

17 (II) IF THE STATE FOREST OR PARK RESERVE COMPRISES 10% OR
18 MORE OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 25% OF THE NET
19 REVENUE DERIVED FROM THE STATE FOREST OR PARK RESERVE LOCATED IN THAT
20 COUNTY.

21 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
22 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

23 (2) ANY INVESTMENT EARNINGS OF THE FUND ~~MAY NOT BE~~
24 ~~TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL~~
25 ~~REMAIN IN THE FUND~~ SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

26 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
27 WITH THE STATE BUDGET.

28 (J) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL YEAR
29 SHALL REVERT TO THE GENERAL FUND OF THE STATE.

30 5-212.1.

31 (a) (1) In this section[, "concession operations"] THE FOLLOWING WORDS
32 HAVE THE MEANINGS INDICATED.

33 (2) "ACCOUNT" MEANS THE FOREST OR PARK CONCESSION ACCOUNT.

34 (3) (I) "CONCESSION OPERATIONS" means activities within a State
35 forest or park that:

36 [(i)] 1. Raise revenue;

- 1 [(ii)] 2. Function under a separate budget system; and
- 2 [(iii)] 3. Supplement the operation of the facility where it is
- 3 located.
- 4 [(2)] (II) "Concession operations" includes:
- 5 [(i)] 1. Food concessions;
- 6 [(ii)] 2. Boat rentals;
- 7 [(iii)] 3. Gift shops;
- 8 [(iv)] 4. Marine sales;
- 9 [(v)] 5. Snack bars; and
- 10 [(vi)] 6. Camp stores.

11 (b) There is a Forest and Park Concession Account in the Department.

12 (C) THE PURPOSE OF THE ACCOUNT IS TO FINANCE:

13 (1) THE MAINTENANCE AND OPERATION OF CONCESSION OPERATIONS;

14 AND

15 (2) THE FUNCTIONS OF STATE FORESTS AND PARKS.

16 (D) THE DEPARTMENT SHALL ADMINISTER THE ACCOUNT.

17 (E) ~~(1) THE ACCOUNT IS A SPECIAL, NON-LAPSING ACCOUNT THAT IS NOT~~

18 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

19 ~~(2)~~ THE TREASURER SHALL HOLD THE ACCOUNT SEPARATELY AND THE

20 COMPTROLLER SHALL RECONCILE THE ACCOUNT.

21 [(c)] (F) [Any] THE ACCOUNT CONSISTS OF ANY money derived from

22 concession operations [shall be paid into the Forest and Park Concession Account] IN

23 STATE FORESTS AND PARKS ~~AND ANY INVESTMENT EARNINGS OF THE ACCOUNT.~~

24 [(d)] Each county in which any State forest or park is located shall be paid

25 annually out of the Forest and Park Concession Account:

26 (1) If the State forest or park reserve comprises less than 10% of the total

27 land area of the county, a sum equal to 15% of the net revenue derived from

28 concession operations within a State forest or park located in that county; and

29 (2) If the State forest or park reserve comprises 10% or more of the total

30 land area of the county, a sum equal to 25% of the net revenue derived from

31 concession operations within a State forest or park located in that county.

1 (e) (G) (1) Except as provided in [subsection (d) of this section]
2 PARAGRAPH (2) OF THIS SUBSECTION, the [Forest and Park Concession] Account
3 shall be used only for the:

4 [(1)] (I) Maintenance and operation of concession operations; and

5 [(2)] (II) Function of State forests and parks to the extent of the
6 projected balance of the Account from the prior fiscal year.

7 (2) EACH COUNTY IN WHICH ANY STATE FOREST OR PARK IS LOCATED
8 SHALL BE PAID ANNUALLY OUT OF THE ACCOUNT:

9 (I) IF THE STATE FOREST OR PARK RESERVE COMPRISES LESS
10 THAN 10% OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 15% OF THE
11 NET REVENUE DERIVED FROM CONCESSION OPERATIONS WITHIN A STATE FOREST
12 OR PARK LOCATED IN THAT COUNTY; OR

13 (II) IF THE STATE FOREST OR PARK RESERVE COMPRISES 10% OR
14 MORE OF THE TOTAL LAND AREA OF THE COUNTY, A SUM EQUAL TO 25% OF THE NET
15 REVENUE DERIVED FROM CONCESSION OPERATIONS WITHIN A STATE FOREST OR
16 PARK LOCATED IN THAT COUNTY.

17 (H) (+) THE TREASURER SHALL INVEST THE MONEY OF THE ACCOUNT IN
18 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

19 ~~(2) ANY INVESTMENT EARNINGS OF THE ACCOUNT MAY NOT BE~~
20 ~~TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL~~
21 ~~REMAIN IN THE ACCOUNT.~~

22 [(f)] (I) (1) EXPENDITURES FROM THE ACCOUNT MAY BE MADE ONLY IN
23 ACCORDANCE WITH THE STATE BUDGET.

24 (2) The budget submitted by the Governor to the General Assembly shall
25 include the revenues and expenditures of the [Forest and Park Concession] Account
26 in the same detail as other special fund accounts administered by the Department.

27 (J) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL YEAR
28 SHALL REVERT TO THE GENERAL FUND OF THE STATE.

29 5-215.

30 (a) IN THIS SECTION, "FUND" MEANS THE DEEP CREEK LAKE RECREATION
31 MAINTENANCE AND MANAGEMENT FUND.

32 (B) There is a Deep Creek Lake Recreation Maintenance and Management
33 Fund in the Department for the maintenance and management of the land,
34 recreational facilities, and services that are related to Deep Creek Lake in Garrett
35 County.

1 [(b)] (C) (1) Except as provided in paragraph (2) of this subsection, the
2 Department shall pay all fees collected for boat launching at Deep Creek Lake State
3 Park, [and] all funds collected from lake and buffer use permits, contracts, grants,
4 and gifts as a result of the Deep Creek Lake management program, AND ANY
5 INVESTMENT EARNINGS OF THE FUND, into the [Deep Creek Lake Recreation
6 Maintenance and Management] Fund.

7 (2) At the end of each quarter of the fiscal year, the Department shall
8 pay 25% of the total revenue collected during the quarter under paragraph (1) of this
9 subsection to the Board of County Commissioners of Garrett County.

10 (3) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
11 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

12 (II) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
13 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
14 REMAIN IN THE FUND.

15 [(c)] (D) Unless there is an agreement between the Secretary and the Deep
16 Creek Lake Policy and Review Board as to a proposed change, the fee for issuance and
17 processing of any permit covered under subsection [(b)] (C) of this section may not be
18 changed.

19 [(d)] (E) (1) Before the Department and the Deep Creek Lake Policy and
20 Review Board may change any fee for the issuance and processing of any permit
21 covered under subsection [(b)] (C) of this section, the Secretary shall hold a public
22 hearing in Garrett County.

23 (2) Notice of the public hearing shall be published in two newspapers of
24 general circulation in Garrett County at least 30 days before the hearing.

25 (3) The notice shall include the proposed change in the fee and the
26 reason for the fee.

27 [(e)] (F) (1) A person may apply to the Department for a lake and buffer use
28 permit.

29 (2) A person who is aggrieved by a decision of the Department to issue or
30 deny a lake and buffer use permit may seek judicial review of the decision in
31 accordance with Title 10, Subtitle 2 of the State Government Article.

32 5-307.

33 (a) IN THIS SECTION, "FUND" MEANS THE WOODLAND INCENTIVES FUND.

34 (B) There is a [special fund known as the] Woodland Incentives Fund IN THE
35 DEPARTMENT.

36 (C) THE PURPOSE OF THE FUND IS TO FINANCE THE WOODLAND INCENTIVES
37 PROGRAM AND THE COST-SHARE ASSISTANCE ESTABLISHED UNDER THIS SUBTITLE.

1 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

2 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
3 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

4 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
5 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

6 [(b)] (F) The [Woodland Incentives] Fund [shall consist] CONSISTS of:

7 (1) As provided in § 13-306 of the Tax - Property Article, up to \$200,000
8 annually of the proceeds of the tax imposed by § 13-302 of the Tax - Property Article
9 that are attributable to the taxation of instruments of writing that transfer title to
10 parcels of land that are entirely woodland; {and}

11 (2) Revenues collected by the Department from the payment of charges
12 imposed for Department assistance in implementation of an approved practice; ~~AND~~

13 ~~(3) ANY INVESTMENT EARNINGS OF THE FUND.~~

14 [(c)] (G) The Department shall use the [Woodland Incentives] Fund to help
15 fund the Woodland Incentives Program and the cost-share assistance [provided for
16 in] ESTABLISHED UNDER this subtitle.

17 [(d) Any unexpended funds remaining in the Woodland Incentives Fund at the
18 end of the fiscal year may not revert to the General Fund of the State.]

19 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
20 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

21 (2) ~~ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE~~
22 ~~TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL~~
23 ~~REMAIN IN THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.~~

24 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
25 WITH THE STATE BUDGET.

26 (J) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL YEAR
27 SHALL REVERT TO THE GENERAL FUND OF THE STATE.

28 5-908.

29 (A) IN THIS SECTION, "FUND" MEANS THE FAIR HILL IMPROVEMENT FUND.

30 (B) There is a Fair Hill Improvement Fund in the Department, to be used for
31 the operation, maintenance, development, and improvement of the Fair Hill facilities
32 at Fair Hill, Maryland.

33 (C) Any money obtained by the Department from Fair Hill shall be credited to
34 the [Fair Hill Improvement] Fund.

1 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
2 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

3 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
4 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
5 REMAIN IN THE FUND.

6 5-908.1.

7 (A) IN THIS SECTION, "FUND" MEANS THE SOMERS COVE MARINA
8 IMPROVEMENT FUND.

9 (B) There is a Somers Cove Marina Improvement Fund in the Department, to
10 be used for the operation, maintenance, development, and improvement of the Somers
11 Cove Marina facilities in Crisfield, Maryland.

12 (C) Any money obtained by the Department from Somers Cove Marina shall
13 be credited to the [Somers Cove Marina Improvement] Fund.

14 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
15 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

16 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
17 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
18 REMAIN IN THE FUND.

19 5-909.

20 (A) IN THIS SECTION, "FUND" MEANS THE NATURAL RESOURCES PROPERTY
21 MAINTENANCE FUND.

22 (B) The Natural Resources Property Maintenance Fund is created within the
23 Department to be used for the maintenance, repair, and management of property
24 owned by the Department.

25 ~~(C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT~~
26 ~~TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

27 (C) (1) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL
28 YEAR SHALL REVERT TO THE GENERAL FUND OF THE STATE.

29 (2) ANY INVESTMENT EARNINGS OF THE FUND ~~MAY NOT BE~~
30 ~~TRANSFERRED OR REVERT~~ SHALL BE CREDITED TO THE GENERAL FUND OF THE
31 ~~STATE, BUT SHALL REMAIN IN THE FUND.~~

32 5-1610.

33 (a) IN THIS SECTION, "FUND" MEANS THE FOREST CONSERVATION FUND.

34 (B) There is a Forest Conservation Fund in the Department.

1 [(b)] (C) Except as provided in subsection [(g)] (H) of this section, if any
2 person subject to this subtitle demonstrates to the satisfaction of the appropriate
3 State or local [authority,] AUTHORITY that the requirements for reforestation or
4 afforestation on-site or off-site cannot be reasonably accomplished, the person shall
5 contribute money at a rate of 10 cents per square foot of the area of required planting
6 to the [Forest Conservation] Fund.

7 [(c)] (D) Money collected by the State or a local authority under § 5-1608(c) or
8 § 5-1612 of this subtitle for noncompliance with this subtitle or regulations adopted
9 under this [subtitle,] SUBTITLE or for noncompliance with a forest conservation plan
10 or the associated 2-year management agreement, ~~AND ANY INVESTMENT EARNINGS~~
11 ~~OF THE FUND~~, shall be deposited in the [Forest Conservation] Fund.

12 [(d)] (E) (1) The Department shall accomplish the reforestation or
13 afforestation for which the money is deposited within 2 years or 3 growing seasons, as
14 appropriate, after receipt of the money.

15 (2) Money deposited in the [Forest Conservation] Fund under
16 subsection [(b)] (C) of this section shall remain in the Fund for a period of 2 years or
17 3 growing seasons, and at the end of that time period, any portion that has not been
18 used to meet the afforestation or reforestation requirements shall be returned to the
19 person who provided the money to be used for documented tree planting in the same
20 county or watershed beyond that required by this subtitle or other applicable
21 statutes.

22 [(e)] (F) (1) (I) Money deposited in the Fund under subsection [(b)] (C) of
23 this section may only be spent on reforestation and afforestation, including site
24 identification, acquisition, and preparation, and may not revert to the General Fund
25 of the State.

26 (II) ~~ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE~~
27 ~~TRANSFERRED OR REVERT SHALL BE CREDITED TO THE GENERAL FUND OF THE~~
28 ~~STATE, BUT SHALL REMAIN IN THE FUND.~~

29 (2) (i) Except as provided in subparagraph (ii) or (iii) of this
30 paragraph, the reforestation or afforestation requirement under this subsection shall
31 occur in the county and watershed in which the project is located.

32 (ii) If the reforestation or afforestation cannot be reasonably
33 accomplished in the county and watershed in which the project is located, then the
34 reforestation or afforestation shall occur in the county or watershed in the State in
35 which the project is located.

36 (iii) If the reforestation or afforestation cannot be reasonably
37 accomplished in the county or watershed in which the project is located, then the
38 reforestation or afforestation shall be accomplished through purchase of credits in,
39 establishment, or maintenance of a forest mitigation bank in accordance with
40 regulations of the Department. The Reforestation Fund may not be used to finance
41 administrative activities associated with a mitigation bank and any credits created by
42 the Reforestation Fund may not be sold to compensate for additional forest impacts.

1 [(f)] (G) Money deposited in the Fund under subsection [(c)] (D) of this
2 section may be used by the Department for the purpose of implementing this subtitle.

3 [(g)] (H) In lieu of a State Forest Conservation Fund, any local authority with
4 an approved forest conservation program may establish a forest conservation fund, to
5 be administered by the local authority, to allow a payment by any person who has
6 demonstrated to the satisfaction of the local authority that the requirements for
7 reforestation and afforestation on-site and off-site cannot be reasonably
8 accomplished. The rate shall be 10 cents per square foot of the area required to be
9 replanted.

10 [(h)] (I) Money deposited in the local forest conservation fund under
11 subsection [(g)] (H) of this section shall remain in the fund for a period of 2 years or
12 3 growing seasons. At the end of that time period, any portion that has not been used
13 to meet the afforestation or reforestation requirements shall be returned to the
14 person who provided the money to be used for documented tree planting in the same
15 county or watershed beyond that required by this subtitle or other applicable
16 statutes.

17 [(i)] (J) (1) (I) Money deposited in the local forest conservation fund under
18 subsection [(g)] (H) of this section may only be spent on reforestation and
19 afforestation, including the costs directly related to site identification, acquisition,
20 prepurchase, and preparation, and may not revert to any other local general fund.

21 (II) ANY INVESTMENT EARNINGS OF A LOCAL FOREST
22 CONSERVATION FUND ~~MAY NOT BE TRANSFERRED OR REVERT~~ SHALL BE CREDITED
23 TO ANY OTHER LOCAL GENERAL FUND, BUT SHALL REMAIN IN THE LOCAL FOREST
24 CONSERVATION FUND.

25 (2) (i) Except as provided in subparagraph (ii) or (iii) of this
26 paragraph, the reforestation or afforestation requirement under this subsection shall
27 occur in the county and watershed in which the project is located.

28 (ii) If the reforestation or afforestation cannot be reasonably
29 accomplished in the county and watershed in which the project is located, then the
30 reforestation or afforestation shall occur in the county or watershed in the State in
31 which the project is located.

32 (iii) If the reforestation or afforestation cannot be reasonably
33 accomplished in the county or watershed in which the project is located, then the
34 reforestation or afforestation shall be accomplished through purchase of credits in,
35 establishment, or maintenance of a forest mitigation bank in accordance with
36 regulations of the local forest conservation program. The Reforestation Fund may not
37 be used to finance administrative activities associated with a mitigation bank and
38 any credits created by the Reforestation Fund may not be sold to compensate for
39 additional forest impacts.

40 [(j)] (K) Money collected by the local authority under § 5-1608(c) of this
41 subtitle for noncompliance with this subtitle or regulations or ordinances adopted
42 under this subtitle for noncompliance with a forest conservation plan or the

1 associated 2-year management agreement, ~~AND ANY INVESTMENT EARNINGS OF~~
 2 ~~THE LOCAL FOREST CONSERVATION FUND~~, shall be deposited in the local fund. The
 3 rate shall be 30 cents per square foot of the area found to be in noncompliance with
 4 the required forest conservation.

5 [(k)] (L) Money deposited in a local forest conservation fund under subsection
 6 [(j)] (K) of this section may be used by the local authority for purposes related to
 7 implementing this subtitle.

8 8-723.

9 [(a) Any fee and other revenue the Department collects under authority of this
 10 subtitle, and any other available income, shall be deposited in the State Treasury and
 11 used exclusively for the administration, functions, and objectives of this subtitle.
 12 These funds are credited to the Department.

13 (b) The Department may use the funds credited to its accounts to purchase,
 14 rent, and operate any equipment necessary to accomplish the purposes of this
 15 subtitle, within budgetary limitations.

16 (c) Subject to available income, the Department may employ necessary
 17 personnel subject to the provisions of the State Personnel and Pensions Article.]

18 (A) IN THIS SECTION, "FUND" MEANS THE STATE BOAT ACT FUND.

19 (B) THERE IS A STATE BOAT ACT FUND IN THE DEPARTMENT.

20 (C) THE SECRETARY SHALL ADMINISTER THE FUND.

21 (D) (1) ~~THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND THAT IS~~
 22 ~~NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

23 ~~(2)~~ THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
 24 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

25 ~~(3)~~ (2) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
 26 MANNER AS OTHER STATE FUNDS.

27 (E) UNLESS OTHERWISE PROVIDED, THE FUND CONSISTS OF:

28 (1) EXCEPT AS PROVIDED IN § 8-716(H) OF THIS SUBTITLE, MONEYS
 29 RECEIVED FROM ANY FEE AND OTHER REVENUE THE DEPARTMENT COLLECTS
 30 UNDER AUTHORITY OF THIS SUBTITLE;

31 (2) ~~ANY INVESTMENT EARNINGS GENERATED BY THE FUND;~~

32 ~~(3)~~ MONEYS APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

33 ~~(4)~~ (3) ANY MONEYS RECEIVED AND ACCEPTED AS GIFTS,
 34 CONTRIBUTIONS, OR GRANTS.

1 (F) THE DEPARTMENT SHALL USE THE FUND:

2 (1) FOR THE ADMINISTRATION OF THIS SUBTITLE; AND

3 (2) TO COVER THE COSTS OF FULFILLING THE DUTIES AND
4 RESPONSIBILITIES OF THE DEPARTMENT UNDER THIS TITLE.

5 (G) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE
6 GENERAL FUND OF THE STATE.

7 [(d)] ~~(G)~~ (H) Within the limits of funds available, the Department may enter
8 into any agreement with the federal government, any municipality or other political
9 subdivision of the State, or any private agency to share the cost of any development,
10 construction, or improvement of waterways or of facilities determined to have
11 beneficial value to the boating public.

12 ~~(H)~~ (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
13 ACCORDANCE WITH THE STATE BUDGET.

14 (J) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL YEAR
15 SHALL REVERT TO THE GENERAL FUND OF THE STATE.

16 8-1005.

17 (a) (1) There is a "Shore Erosion Control Construction Loan Fund". The
18 Department shall administer the Fund to provide interest-free loans or grants to
19 persons, municipalities, or counties for design and construction of shore erosion
20 control projects. The Fund shall be maintained by:

21 (i) Repayments of principal on loans made from the Fund, with the
22 repayments made through a benefit charge the State levies on privately owned
23 property benefited by shore erosion control projects. The benefit charge shall
24 compensate the State for net project construction cost. The benefit charge shall be
25 levied at a uniform rate over a period not exceeding 25 years;

26 (ii) Repayment of administrative costs under § 8-1004 of this
27 subtitle; ~~and~~

28 (iii) ~~ANY INVESTMENT EARNINGS GENERATED BY THE FUND; AND~~

29 ~~(IV)~~ Annual appropriation of funds to restore the Fund to a level
30 sufficient to carry out an effective shore erosion control construction loan program
31 during the succeeding year.

32 ~~(2) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT~~
33 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

34 (2) (I) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A
35 FISCAL YEAR SHALL REVERT TO THE GENERAL FUND OF THE STATE.

1 (II) ANY INVESTMENT EARNINGS OF THE FUND ~~MAY NOT BE~~
2 ~~TRANSFERRED OR REVERT~~ SHALL BE CREDITED TO THE GENERAL FUND OF THE
3 STATE, ~~BUT SHALL REMAIN IN THE FUND.~~

4 (3) A property owner whose project is approved is eligible to receive an
5 interest-free loan covering 100% of the first \$60,000 of project construction cost, 50%
6 of the next \$20,000 of project construction cost, 25% of the next \$20,000 of project
7 construction cost, and 10% of the part of construction cost exceeding \$100,000.
8 However, where 2 or more property owners are included within a shore erosion
9 control project, the land of each property owner is considered a separate shore erosion
10 project for the purpose of computing net project construction cost under this formula.

11 (b) During the first month of each fiscal year, the Department shall submit to
12 the Department of Budget and Management:

13 (1) An estimate of the amount of revenues the Fund expects to receive
14 from repayment of outstanding loans; and

15 (2) The amount of funds required to reestablish an adequate balance in
16 the Fund to make loans during the next fiscal year.

17 (c) If it appears reasonably likely that funds will be available for an approved
18 shore erosion control project, the Department shall develop complete plans,
19 specifications, and all information necessary to solicit firm bids for construction of the
20 project. After selection of a contractor, in accordance with normal competitive bidding
21 procedures, the Department shall advise the property owner of the estimated cost for
22 the completion of all work. The property owner then may elect to abandon the project,
23 and forfeit any initial deposit required under the regulations of the Department.

24 (d) (1) If, after completion of the procedures required under subsection (c) of
25 this section, the property owner decides to proceed with the project, the provisions of
26 this subsection shall apply.

27 (2) The property owner shall execute a written notice to proceed, on a
28 form provided by the Department, and shall pay any property owner's cash
29 contribution required under this subtitle. This action shall constitute an irrevocable
30 commitment by the property owner to completion of the project in accordance with the
31 provisions of this subtitle, including authorization for the Department to incur costs
32 up to 10% in excess of the estimated cost above.

33 (3) Any excess costs within the 10% limit may not act to increase the
34 property owner's cash contribution, but shall be included in the net project
35 construction cost for purposes of assessing benefit charges at the conclusion of the
36 project.

37 (4) The Department at this time shall cause a notice of lien to be
38 recorded among the land records of the county where the benefited property is
39 located. The notice generally shall describe the provisions of § 8-1006 of this subtitle
40 regarding lien priority and the assumption of liability by a purchaser of a benefited
41 property.

1 (5) The Department shall award a construction contract for the project,
2 shall supervise actual construction work, and shall make reasonable efforts to ensure
3 that the project is completed in accordance with all specifications and in a manner
4 that conforms to normal industry practice. In this regard, the Department alone shall
5 be responsible, in its own discretion, for negotiating any changes in the construction
6 contract and for determining when the project is satisfactorily complete in all
7 respects.

8 (6) On completion of the project, the Department shall:

9 (i) Endorse any property owner's cash contribution to the credit of
10 the contractor; and

11 (ii) Pay the balance due the contractor from the Fund.

12 (7) Within 30 days of completion of the project, the Department shall
13 certify to the Board of Public Works the net project construction cost. The Board of
14 Public Works shall levy a benefit charge in accordance with the provisions of § 8-1006
15 of this subtitle.

16 (e) Costs to maintain shore erosion control projects are the sole responsibility
17 of the benefited property owner. The Department periodically shall inspect these
18 projects to recommend to the property owner any measures required to maintain the
19 project.

20 (f) Any county or any municipal corporation may borrow interest-free funds
21 from the Fund for any approved project without the project construction cost
22 limitation stated in this section. The county or municipal corporation shall repay the
23 funds at a uniform rate over a period not exceeding 25 years as stated by agreement
24 between the State and county or municipal corporation.

25 (g) The Department shall include in its budget a request for funds necessary
26 to provide and maintain shore erosion protection for State-owned properties.

27 (H) ANY UNSPENT PORTIONS OF THE FUND AT THE END OF A FISCAL YEAR
28 SHALL REVERT TO THE GENERAL FUND OF THE STATE.

29 10-209.

30 [There is a State Wildlife Management and Protection Fund in the Department.
31 Any money accruing to the Fund from any license, stamp, application, or permit fee
32 provided in this title shall be credited, unless otherwise provided, to this Fund and
33 used only for the scientific investigation, protection, propagation, and management of
34 wildlife.]

35 (A) IN THIS SECTION, "FUND" MEANS THE STATE WILDLIFE MANAGEMENT
36 AND PROTECTION FUND.

37 (B) THERE IS A STATE WILDLIFE MANAGEMENT AND PROTECTION FUND IN
38 THE DEPARTMENT.

1 (C) THE PURPOSE OF THE FUND IS TO FINANCE THE SCIENTIFIC
2 INVESTIGATION, PROTECTION, PROPAGATION, AND MANAGEMENT OF WILDLIFE.

3 (D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

4 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
5 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

6 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
7 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

8 (F) THE FUND CONSISTS OF:

9 (1) ANY MONEY RECEIVED FOR A LICENSE, STAMP, APPLICATION, OR
10 PERMIT FEE UNDER THIS TITLE, UNLESS OTHERWISE PROVIDED; AND

11 (2) ANY INVESTMENT EARNINGS OF THE FUND.

12 (G) THE FUND MAY BE USED FOR THE SCIENTIFIC INVESTIGATION,
13 PROTECTION, PROPAGATION, AND MANAGEMENT OF WILDLIFE.

14 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
15 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

16 (2) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
17 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
18 REMAIN IN THE FUND.

19 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
20 WITH THE STATE BUDGET.

21 10-301.

22 (n) (1) IN THIS SUBSECTION, "FUND" MEANS THE UPLAND WILDLIFE
23 HABITAT FUND.

24 (2) There is an Upland Wildlife Habitat Fund in the Department.

25 (3) THE PURPOSE OF THE FUND IS TO FACILITATE THE
26 IMPLEMENTATION AND MANAGEMENT OF UPLAND HABITAT PROGRAMS.

27 (4) THE DEPARTMENT SHALL ADMINISTER THE FUND.

28 (5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
29 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

30 (II) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND
31 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

32 [(2)] (6) The Fund consists of:

1 (i) Voluntary contributions made to the [Upland Wildlife Habitat]
2 Fund at the time of purchase of a hunting license under this section; [and]

3 (ii) Any other donations made to the Fund; AND

4 (III) ANY INVESTMENT EARNINGS OF THE FUND.

5 [(3) The Secretary shall administer the Fund.

6 (4) The Fund may be used only as provided in this subsection.

7 (5) The Fund is a special, nonlapsing fund that is not subject to § 7-302
8 of the State Finance and Procurement Article.

9 (6) The Fund shall be invested and reinvested in the same manner as
10 other State funds. Any investment earnings of the Fund may not be transferred or
11 revert back to the General Fund, but shall remain in the Fund to be used for purposes
12 specified in this subsection.]

13 (7) (I) [The Secretary shall use the Fund to] THE FUND MAY BE USED
14 ONLY FOR:

15 [(i)] 1. [Provide] PROVIDING cost-share assistance to
16 landowners for planting upland wildlife habitat;

17 [(ii)] 2. [Provide] PROVIDING matching funds to acquire grant
18 funding for upland wildlife habitat programs;

19 [(iii)] 3. [Hire] HIRING contractual staff to implement upland
20 wildlife habitat programs in the State; and

21 [(iv)] 4. [Promote] PROMOTING the [Upland Wildlife Habitat]
22 Fund and upland wildlife habitat programs.

23 [(8)] (II) The Secretary may prioritize the duties under [paragraph (7) of
24 this subsection] SUBPARAGRAPH (I) OF THIS PARAGRAPH to maximize the
25 effectiveness of upland wildlife habitat programs.

26 [(9)] (III) A designated person who sells hunting licenses under this
27 section and who also collects donations for the [Upland Wildlife Habitat] Fund may
28 retain as compensation 10% of each donation the person receives.

29 (8) (I) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN
30 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

31 (II) ANY INVESTMENT EARNINGS OF THE FUND MAY NOT BE
32 TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL
33 REMAIN IN THE FUND.

34 (9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
35 ACCORDANCE WITH THE STATE BUDGET.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2004.